

## CHAPTER IX - DEFINITIONS

**100-YEAR FLOODPLAIN** - The area of the flood of 100-year frequency -- a flood magnitude expected to recur on the average of once every 100 years or a flood magnitude that has a 1% percent chance of occurring in any given year ([76-5-103, MCA](#)).

**ADT OR AADT - ANNUAL AVERAGE DAILY TRAFFIC** - The average daily volume of traffic estimated on a yearly basis based on one year (365 days) of data (as defined by the United States Department of Transportation). This includes all traffic in both directions.

**ADJACENT LAND BUFFER** – screening, fencing, natural growth.

**ADMINISTRATOR** – The person or persons authorized by the governing body to perform the duties of review and administration set forth in these regulations.

**ADT - AVERAGE DAILY TRAFFIC** - For purposes of these regulations the definition of ADT is the same as AADT. However, when AADT is not available based on 365 days of data, the calculations may be derived as follows: The total volume of traffic during a given time period (in whole days greater than one day and less than one year) divided by the number of days in that time period (as defined by the United States Department of Transportation. ADT volumes can be determined by continuous traffic counts or periodic counts. Where only periodic traffic counts are taken, ADT volume shall be established by applying correction factors such as for season or day of week. This includes all traffic in both directions.

**AGENCY** - An administrative division of government, such as the agency charged with enforcing state sanitation regulations.

**AGGREGATE (VERB)** - To join two or more tracts of record into a single tract of record.

**AGGREGATE (NOUN)** - Coarse particulate material used in construction, including sand, gravel, or crushed stone.

**AGGREGATION (NOUN)** - The result or condition of having joined two or more tracts of record into a single parcel.

**AGRICULTURAL COVENANT** - A covenant restricting use of the land to agricultural use only, as required by [76-3-207, MCA](#).

**AGRICULTURAL USE** - Use of land for agriculture activities. Refer to “Agriculture” definition.

**AGRICULTURAL WATER USER FACILITIES** - Any facility established to provide water for agricultural use or irrigation purposes or to drain excess irrigation water or to otherwise drain land for purposes of farming or grazing. These facilities include, but are not limited to ditches, canals, head gates, pipes, and other water conveying facilities.

**AGRICULTURE** - The production of food, feed, and fiber commodities, livestock and poultry, bees, biological control insects, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes, in accordance with the requirements for “eligibility of land for valuation as agricultural” described in [15-7-202, MCA](#).

**AUTHORITY HAVING JURISDICTION (AHJ)** - Fire Department, code official or other entity with a statutory authority or legal responsibility to inspect and enforce requirements for fire safety.

**ALIQUOT PART** - The standard divisional parts of a U.S. government section including a half section, quarter section, or quarter-quarter section, and smaller fractional parts.

**ALLEY** - A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on another street or road.

**APPLICABLE ZONING** - Zoning enacted under title 76, Chapter 2 of the Montana Code that could affect the uses or design of a subdivision, including provisions for setbacks, minimum lot sizes, etc.

**APPROACH** - The area where a road, street or driveway intersects another road or highway. See also encroachment.

**ARMS** – The Administrative Rules of Montana. [ARM](#)

**ARTIFICIAL OBSTRUCTION** - Any obstruction that is not a natural obstruction and includes any dam, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill, or other analogous structure or matter in, along, across, or projecting into any flood plain or floodway that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property ([76-5-103, MCA](#)).

**AS-BUILT DRAWINGS** - The final set of drawings produced at the completion of a construction project. They include all the changes that have been made to the original construction drawings, including notes, modifications, and any other information pertinent to changes.

**ASPHALT** - A mixture of dark bituminous pitch with sand or gravel, used for surfacing roads.

**ASPHALT PRIMER** - Liquid asphalt of low viscosity that is applied to a non-bituminous surface such as gravel to prepare the surface for an asphalt course.

**ASPHALT SEAL COAT** - A thin asphalt surface treatment used to waterproof and improve the wearing surface texture of pavement.

**AUTOMATIC SPRINKLER SYSTEM** - Apparatus for automatically extinguishing fires in a building, consisting of a system of water pipes in or below the ceilings, with valves or sprinklers usually made to open automatically at a certain temperature.

**BASE FLOOD ELEVATION (BFE)** - The elevation of surface water resulting from a flood of 100-year frequency.

**BASE FLOOD ELEVATION STUDY** - A study conforming to the guidelines in DNRC's "[Guidelines for Obtaining 100-year Flood Elevations in Approximate Zone A or Unmapped Areas](#)."

**BIG GAME WINTER RANGE** – Areas where big game (white-tailed deer, mule deer, elk, antelope, bighorn sheep, moose, bison, and mountain goat) tend to concentrate during winter, commonly from November through April. These areas are considered a subset of overall year-round big game habitat.

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**BLANKET EASEMENT** - A blanket easement, also referred to as a floating easement, is an easement where there is no fixed route, location, method or limit to the right of way. Such easements are not limited to any specific part of the servient estate. For example, a right-of-way may cross a field, without any visible path, or allow egress through another building for fire safety purposes. [Floating easements](#) are also referred to as blanket easements.

**BLOCK** - A group of lots, tracts, or parcels within well-defined and fixed boundaries, such as streets, roads, highways, railroad rights-of-way, or watercourses.

**BOLLARD** - A short post used to divert traffic from an area or road.

**BUILDING CODE** - Set of [standards](#) established and enforced by local government for the structural safety of buildings.

**BUILDING PERMIT** - A permit required by jurisdictions that enforce building codes for new construction, additions to pre-existing structures, and in some cases major renovations. New construction is typically inspected during construction and after completion to ensure compliance with local building codes.

**BUILDING REGULATIONS** - Regulations for building construction including building codes and zoning codes.

**BUILDING SITE** - The area of a lot or parcel suitable for a building.

**BYLAWS** - The [rules and regulations](#) enacted by an association or a corporation to provide a framework for its operation and management. Property owners' associations, for example, will need bylaws for their operation.

**CAPITAL IMPROVEMENTS** - The addition of a permanent structural improvement or the restoration of some aspect of a property that will either enhance the property's overall value or increase its useful life. All improvements required to be installed by the subdivider prior to final plat approval or secured with a financial guarantee are considered capital improvements. In addition, capital improvements may be installed by property owners through property owners' associations or via taxing districts (rural improvement districts or special improvement districts). Examples include subdivisions that elect to connect to public water or sewer systems years after final plat.

**CAPITAL IMPROVEMENTS PLAN (CIP)** - A plan adopted by a local government that plans out and budgets for local government public infrastructure such as water facilities, sewers, streets, parks and buildings along with equipment like fire trucks, radios, police cars, telecommunications equipment, furniture and computers. Capital projects also include low income housing projects and the purchase of land. Capital Improvements Plans are typically for increments of five to ten years.

**CLUSTER BOX UNIT (CBU)** - A centrally located installation with multiple compartments for the centralized delivery of mail to the residents of an entire neighborhood, eliminating the need for door-to-door or curbside delivery. "Clustered" type mailboxes include free-standing, pedestal-mounted cluster box unit (CBU), or other cluster mailboxes mounted in a wall, kiosk, or shelter.

**CERTIFICATE OF SURVEY COS)** - A drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations ([76-3-103, MCA](#)).

**CFR** – the Code of Federal Regulations.

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**CHIP-SEAL** - Chip seal is a pavement surface treatment that combines one or more layers of asphalt with one or more layers of fine aggregate. In the United States, chip seals are typically used on rural roads carrying lower traffic volumes.

**CISTERN** - A tank for storing water.

**CLERK AND RECORDER** - A person elected or appointed by the county commission who is responsible for the safekeeping of records related to land ownership when filed in the clerk and recorder's office.

**CLUSTER DEVELOPMENT** - A subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped ([76-3-103, MCA](#)).

**COMMERCIAL SPRINKLER SYSTEM** - An automatic sprinkler system designed for commercial buildings or industrial settings.

**COMMERCIAL SUBDIVISION** - A subdivision with two or more lots for commercial-retail or other purposes related to business and commerce.

**COMMERCIAL UNIT (CONDOMINIUM)** - A unit in a condominium for commercial-retail or other purposes related to business and commerce.

**COMMON AREAS (CONDOMINIUM)** - Any area within a condominium that is not part of a unit for individual use. Refer also to the definition of 'unit'.

**COMMON FACILITIES (CONDOMINIUM)** - Facilities that serve all or some of the condominium owners. Facilities include recreation centers, central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal, and portions of buildings not part of individual units such as entrances, elevators, etc.

**CONCRETE** - A heavy, rough building material made from a mixture of broken stone or gravel, sand, cement, and water, that can be spread or poured into molds and that forms a stone-like mass upon hardening.

**CONDOMINIUM** - Ownership of single units with common elements located on property meeting the requirements of Title 70, Chapter 23 "Unit Ownership Act," MCA. The term does not include a townhome or townhouse ([70-23-102, MCA](#)).

**CONDUIT (FOR UTILITIES)** - A rigid tube or duct for carrying and protecting electrical wires or cables.

**CONSTRUCTION PLANS** - Plans for constructing capital improvements in a subdivision. Refer also to 'engineering plans'.

**COUNTY CONSERVATION DISTRICT** - A district formed under authority of Title 76, Chapter 15 of the MCA. Conservation Districts are formed to provide for soil conservation, prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water ([76-15-102, MCA](#)).

**COURT ORDER** - A court order is an official proclamation by a judge or panel of judges of a court established under state or federal law. Such ruling requires or authorizes the carrying out of certain steps

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by one or more parties to a case. A court order must be signed by a judge; some jurisdictions may require it to be notarized.

**COVENANTS** - Covenants consist of restrictions or requirements placed on the land, typically to “run with the land” (called a covenant appurtenant), meaning that any future owners of the land must abide by the terms. Covenants are typically administered and enforced by a property owners’ or homeowners’ association.

**CROSS ACCESS** - A vehicular and/or pedestrian connection between abutting properties which permits the exchange of trips between the two adjacent sites without the need to use the street system.

**CRUSHED BASE COURSE** - Layer of material in an asphalt roadway that is located directly under the surface layer. For gravel roads, it is the layer above the sub-base.

**CUL-DE-SAC** - A road closed at one end with an area for vehicular turnaround.

**CULVERT** - A structure that allows water to flow under a road, railroad, trail, or similar obstruction.

**DECLARATION OF UNIT OWNERSHIP (CONDOMINIUM)** – A legal instrument that creates a condominium, including all requirements of [70-23-301, MCA](#).

**DEDICATION** - The deliberate appropriation of land by an owner for a public use.

**DEED RESTRICTIONS** - Deed restrictions are private, contractual covenants which limit land use. Deed restrictions are placed on real property by affirmative action of the owner of the real property. Refer also to “Covenants.”

**DEFENSIBLE SPACE** - An area, either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, removed, or modified to slow the rate and intensity of an advancing wildfire and to provide a safe working area for wildfire suppression operations to occur while protecting life and/or improved property.

**DENSITY REQUIREMENTS** - The number of people or residential units allowed or required per unit of land. Zoning is the typical method for establishing density requirements, which may be set as standards for minimum density (e.g., “at least two residential units per city lot” which promotes denser development and reduces sprawl) or maximum density (e.g., not more than two residential units per lot).

**DEPARTMENT OF REVENUE (DOR)** - The Montana Department of Revenue.

**DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)** - The Montana Department of Environmental Quality.

**DEWATERING** - The discharge of groundwater and/or surface water from construction sites. This includes the pumping of water from excavation trenches for utilities, and in preparing roadbeds or building construction.

**DIVISION OF LAND** - The segregation of one or more tracts of record from a large tract of record held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract. This also includes the filing of a certificate of survey or subdivision plat that establishes separate tracts of record.

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**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (DNRC)** - The Montana Department of Natural Resources and Conservation.

**DOMINANT ESTATE** - Real property which has an easement or other use imposed upon it in favor of another property, such as right of way or use for access to an adjoining property or utility lines. The property giving usage is the [servient estate](#), and the property holding usage of the easement is the dominant estate.

**DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (DPHHS)** - The Montana Department of Public Health and Human Services.

**DRAINWAY** - Any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year and having a bed and well-defined banks ([76-5-103, MCA](#)).

**DREDGED MATERIAL** - Material that is excavated or dredged from waters of the United States as defined in the U.S. Clean Water Act.

**DRY HYDRANTS** - An arrangement of pipe permanently connected to a year-round water source other than a piped, pressurized water supply system that provides a ready means of water supply for firefighting purposes and that utilizes the drafting (suction) capability of fire department pumps.

**DWELLING UNIT** - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation facilities for use solely by one family or one household.

**DWELLING UNIT (CONDOMINIUM)** - A unit in a condominium for residential purposes of a single family or household.

**EASEMENT** - The right to use the real property of another for a specific purpose. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes. Typical easements are for access to another property, for utility or sewer lines both under and above ground, use of spring water, entry to make repairs on a fence, drive cattle across and other uses.

**EMERGENCY ACCESS ROAD** - A roadway that does not meet road standards but is intended primarily for the evacuation of persons within the subdivision.

**EMINENT DOMAIN** - The right to take private property for public use as described in [70-30-102, MCA](#), and including property for roads, public buildings, infrastructure such as water and sewer, and other uses.

**ENCROACHMENT** - A use that hinders or obstructs the use of a property or an easement. For example: a driveway that blocks a storm drainage swale from functioning properly.

**ENCROACHMENT PERMIT** - A permit required by the local jurisdiction or State of Montana for facilities within a road or highway right of way or easement – such as an encroachment permit for a pipeline crossing under a state highway. Approach permits for roads are synonymous with the term encroachment permit.

**ENGINEER (LICENSED PROFESSIONAL ENGINEER: PE)** - A person licensed in conformance with the Montana Professional Engineers' Registration Act ([Title 37, Chapter 67, MCA](#)) to practice engineering in the State of Montana. Synonymous with "licensed professional engineer," "professional engineer," "registered engineer," or "licensed engineer" in these regulations.

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**ENGINEERING PLANS** - Design and construction plans prepared by an engineer to comply with the requirements of these subdivision regulations.

**ENVIRONMENTAL ASSESSMENT** - A component of a subdivision application for major subdivisions that provides information needed for the assessment of impacts to agriculture, agricultural water user facilities, local services, natural environment, wildlife, wildlife habitat, and public health and safety resulting from the subdivision. See [76-3-603, MCA](#).

**EROSION AND SEDIMENTATION CONTROL** - Erosion control is a preventive measure focusing on the cause of sedimentation. Erosion control best management practices (BMPs) usually consist of ground cover that is used to prevent any of the forms of erosion from occurring. Emphasis should be placed on controlling erosion through preventative practices and control measures, which include: planning, project phasing, managing vegetative cover, and grading controls. Sediment control BMPs are designed to prevent soil particles already being carried in storm water from discharging from the construction site. Sediment controls come into play after the damage from erosion has already impacted the site. Sediment control BMPs are not as effective as erosion control BMPs and are typically considered secondary practices installed after all opportunities for erosion control have been implemented. Examples of sediment control BMPs include: inlet protection, silt fence, straw wattles, sediment traps, and other perimeter control devices. Refer to the Montana DEQ BMP Field Guide.

**EXAMINING LAND SURVEYOR** - A registered land surveyor appointed by the governing body to review surveys and plats submitted for filing ([76-3-103, MCA](#)).

**EXEMPTION REVIEW COMMITTEE** - A committee established by these regulations or by the governing body to review land divisions to determine whether the division qualifies as an exemption or must be reviewed as a subdivision.

**FEDERAL LAND** - Lands owned by the U.S. government, such as national forest system lands.

**FEMA** – The Federal Emergency Management Agency.

**FHWA** – The Federal Highway Administration.

**FIELD INSPECTION LOGS** - A record maintained by the engineer of inspections conducted during development of capital improvements and grading to ensure that construction follows approved plans and specifications. Inspections shall be made in accordance with an inspection plan included with construction and grading plans. Critical inspection points shall at a minimum include those identified in the Montana Public Works Standards and Specifications. As applicable, the field inspection plan shall identify when inspection by other entities is required—such as the installation of a fire suppression water supply tank prior to covering with soil.

**FILL** - For purposes of waters of the United States, “fill” is as defined in the Clean Waters Act: Material placed in waters of the United States where the material has the effect of i) replacing any portion of a water of the United States with dry land; or ii) changing the bottom elevation of any portion of a water of the United States. For all other purposes, fill is material from any source used to raise the level of the ground.

**FINDING OF FACT** - A written conclusion or determination based on evidence from which a decision is based.



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**FIRE CHIMNEY** - Topographical features, usually canyons, gulches or valleys, which tend to funnel or otherwise concentrate fire toward the top of steep slopes. Fire chimneys are generally less than one-half mile in length, have slopes of 20 percent or steeper, are less than 600 feet wide, and are at least 120 feet deep as measured from the bottom of the ravine to the crest of either adjacent ridge or slope.

**FIRE HYDRANT** - A valve connection on a year-round water supply system having one or more outlets that is used to supply water for fire departments.

**FIRE SPRINKLER SYSTEM** - Same as Automatic Sprinkler System.

**FIRE SUPPRESSION EQUIPMENT** - Fire suppression equipment means the large equipment used by fire departments to fight fires, including fire trucks, pumper trucks, tanker trucks, ladder trucks, etc.

**FIRE SUPPRESSION WATER SYSTEM** - The infrastructure for supplying water for fire-fighting purposes for the subdivision. Fire suppression water systems include a water supply capable of providing the quantity and pressure needed to fight fires.

**FIRST CLASS CITY** - An incorporated municipality having a population of 10,000 or more ([7-1-4111, MCA](#)).

**FIRST MINOR SUBDIVISION** - A proposed subdivision of a tract of record that has not been subdivided or created by a subdivision under these regulations, or has not resulted from division of a tract of record that has created more than five parcels through exemption, created from a tract of record under [Title 76, Chapter 3 MCA](#).

**FLOOD FRINGE** - All parts of the 100-year floodplain that are outside the floodway.

**FLOODPLAIN** - The area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheet flood areas that receive less than one foot of water per occurrence and are considered "zone B" or a "shaded X zone" by the Federal Emergency Management Agency ([76-5-103, MCA](#)).

**FLOODWAY** - The channel of a watercourse or drainway and those portions of the flood plain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainway ([76-5-103, MCA](#)).

**FREEBOARD** - Distance of clearance between the lowest point of the bridge superstructure and the design water surface elevation immediately upstream of the bridge. For a culvert, the measurement is made from the top of the interior of the culvert structure. The design water surface elevation is typically the 100-year flood event.

**FRONT MINIMUM SETBACK** - The minimum distance by which a building or structure must be separated from the front of the lot, or RV or mobile home space.

**GEOGRID** - Geo-synthetic material used to reinforce soils and similar materials. Geogrids are commonly used to reinforce retaining walls as well as subbases or subsoils below roads or structures.

**GEOTECHNICAL ANALYSIS** - Geotechnical analysis usually uses principles of soil mechanics and rock mechanics to investigate subsurface conditions and materials; determine the relevant physical/mechanical and chemical properties of these materials; evaluate stability of natural slopes and man-made soil deposits; assess risks posed by site conditions; design earthworks and structure foundations; and monitor site conditions, earthwork and foundation construction. A typical geotechnical



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engineering project begins with a review of project needs to define the required material properties. Then follows a site investigation of soil, rock, fault distribution and bedrock properties on and below an area of interest to determine their engineering properties including how they will interact with, on or in a proposed construction. Site investigations are needed to gain an understanding of the area in or on which the engineering will take place. Investigations can include the assessment of the risk to humans, property and the environment from natural hazards such as earthquakes, landslides, sinkholes, soil liquefaction, debris flows and rockfalls.

**GEOTECHNICAL SOILS ANALYSIS** - See Geotechnical Analysis.

**GEOTEXTILE** - A strong synthetic fabric usually used in civil engineering construction projects (such as highway or dam building) that stabilizes loose soil and prevents erosion.

**GOVERNING BODY** - The board of county commissioners or the governing authority of an incorporated city or town, such as a city council.

**GPM** - Gallons per minute.

**GRADING** - Grading is the work of ensuring a level base, or one with a specified slope for purposes of construction or slope stabilization.

**GROUND WATER** - Any water beneath the Earth's surface.

**GROWTH AREA** - A municipal growth area as described in an adopted growth policy or other document adopted by the governing body. For municipalities without an adopted growth area map, the growth area shall be considered as the area within one mile of a town or third-class city, two miles of a second-class city, or within 3 miles of a first-class city.

**HALF STREET** - A half street or half road is a road with right-of-way or easement for only one-half or a road that has been only constructed to half the full width.

**HIGH GROUNDWATER** - Groundwater that lies close to the surface of the Earth; also referred to as "shallow surface water" or "high water table."

**HOMEOWNERS ASSOCIATION (HOA)** - A private, nonprofit corporation of homeowners or property owners, established according to state law for the purpose of owning, operating and maintaining various common properties.

**HS-20** - A measurement of load capacity. An HS-20 loading is represented by a three-axle semitrailer combination weighing 72,000 pounds with 8,000 pounds on its steering axle and 32,000 pounds on its drive axle and 32,000 pounds on the semitrailer axle. The "20" in HS-20 stands for 20 tons (4 tons on the steering axle and 16 tons on the drive axle). The "S" stands for semitrailer combination which adds in the additional 16 tons for the third axle to give a total of 36 tons or 72,000 pounds (pursuant to the Federal Highway Administration).

**IFC** – The International Fire Code.

**IMMEDIATE FAMILY MEMBER** - A spouse, children by blood or adoption, and parents ([76-3-103, MCA](#)).

**INDIVIDUAL SEWAGE SYSTEM** - A wastewater system that serves one living unit or commercial structure. The total number of people served may not exceed 24 ([ARM 17.36.101](#)).

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**INDIVIDUAL WATER SYSTEM** - Any water system that serves one living unit or commercial structure. The total number of people served may not exceed 24 ([ARM 17.36.101](#)).

**INDUSTRIAL SUBDIVISION** - A subdivision with lots for industrial uses.

**INDUSTRIAL USE** - The manufacture, fabrication, processing or reduction of any article, substance, or commodity or any other treatment thereof in such a manner to change the form, character, or appearance thereof. It shall include trucking facilities, rail facilities, mining, warehousing, materials or equipment storage, and businesses serving primarily industry and similar enterprises.

**INFRASTRUCTURE** - The physical system, structure or piece of equipment, such as a paved or graveled road, water supply pipe system, bridge, etc. that provide essential services such as transportation, utilities, energy, etc. (also refer to definition of 'Local Services'). Infrastructure may include large equipment such as fire trucks, road graders, etc.

**INFRASTRUCTURE PLAN** - A plan for future infrastructure needs. Refer to the definition of 'Capital Improvements Plan' for infrastructure plans adopted by government.

**INSTRUMENT OF TRANSFER** - A document transferring property ownership including warranty deeds, quit claim deeds, deed of transfer, etc.

**JURISDICTION** - The powers and authority to impose and enforce requirements within a certain geographic area or function. When used in these regulations it is intended as the jurisdiction of the board of county commissioners or of the municipal governing body. When used in relation to a state or federal agency, it means the powers of that agency related to a specific topic such as the Montana DNRC authority regarding water rights.

**JURISDICTIONAL AREA** - The area governed by a board of county commissioners or municipal governing body.

**LAND SURVEYOR** - A person licensed as a land surveyor under [Title 37, Chapter 67, MCA](#).

**LEGAL ACCESS** - Access to a parcel of land via city streets, county roads, or state and federal highways. If the access to the subdivision is via private roads, the easement shall provide for the proposed subdivision and its uses. A copy of an existing plat or survey that establishes a private road is insufficient unless the easement language clarifies that the road is intended for future lots and additional uses (refer to Montana Supreme Court decisions on Blazer v. Wall, Broadwater Development v. Nelson, Schmid v. Pastor).

**LICENSED FINANCIAL INSTITUTION** - A bank chartered under [Chapter 1 of Title 32, MCA](#), a bank chartered under the National Banking Acts in Title 12 of the United States Code, a building and loan association chartered under [Chapter 2 of Title 32, MCA](#), a savings and loan association chartered under the Home Owners' Loan Act in Title 12 of the United States Code, a credit union chartered under [Chapter 3 of Title 32, MCA](#), or a credit union chartered under the Federal Credit Union Act in Title 12 of the United States Code.

**LICENSED LENDING INSTITUTION** - Same as Licensed Financial Institution.

**LIEN** - A legal claim that someone or something has on the property of another person until a debt has been paid back.

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**LIFE ESTATE** - An interest in land that lasts only for the life of the holder. Thus, the holder of a life estate cannot leave the land to anyone in their will because their interest in the land does not survive the person. The holder of a life estate has a full right to possess the land or transfer their interest during their lifetime, but must refrain from engaging in waste, activity which would prevent the next person in line from putting the property to full use (according to Cornell University Law School's Legal Information Institute).

**LIGHT TRESPASS** - Light falling where it is not wanted or needed (also known as spill light or obtrusive light).

**LOAD CAPACITY** - The safe-load carrying capacity of a bridge or culvert.

**LOAD LIMIT (BRIDGES)** – See Load Capacity.

**LOCAL BOARD OF HEALTH** - Title 50, Chapter 2 of Montana Code requires every county and every first or second class city to have a local board of health. [50-2-116, MCA](#) requires local boards of health to adopt regulations that are not less stringent than state standards for the control and disposal of sewage from private and public buildings and facilities that are not regulated by the Sanitation in Subdivisions Act.

**LOCAL FIRE CODE** - Fire codes adopted by municipalities or counties or for a fire service area. Authority for municipalities and counties to adopt local fire codes is found in [Title 7, Chapter 33 of the MCA](#). Not all municipalities or counties have adopted local fire codes. In fact, only a handful of counties or areas within counties established as "Fire Service Areas" under provisions of Title 7, Chapter 33, have adopted fire codes. Refer also to State Fire Code.

**LOCAL PUBLIC HEALTH DEPARTMENT** - The name often given to the entity that provides the services managed and directed by a local board of health. Refer to Local Board of Health.

**LOCAL SANITARIAN** - A sanitarian licensed under [Title 37, Chapter 40 of the MCA](#) employed by or providing services to a local board of health or local public health department.

**LOCAL SERVICES** - Local services are services provided by local governments, public or private utilities, fire departments, etc. to local residents. These services include but are not limited to services provided for law enforcement, fire protection, ambulance, water supply, recreation, streets and roads, parks, libraries, schools, wastewater, electrical and telephone service and solid waste collection and disposal.

**LOT** - A parcel, plot, or other land area created by subdivision.

**LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of requirements (as defined by [FEMA](#)).

**LOWEST FLOOR ELEVATION** - The measured distance of a building's lowest floor above the design flood event. The subdivision regulation lowest floor elevation is a minimum of two feet above the 100-year flood elevation.

**LOWEST HORIZONTAL CHORD (BRIDGE)** - The component of the bridge used to establish the distance needed to pass flood flows. The subdivision regulations require the lowest horizontal chord of a bridge to be at least two feet above the base flood elevation to help pass ice flows, base flood discharge and any debris associated with the discharge.

**MAINTENANCE DECLARATION** - A declaration describing how infrastructure, facilities, and certain services will be provided after the subdivision is completed and lots transferred. Maintenance declarations are required for roads, vegetation management (e.g., maintenance of required WUI fuel breaks around the subdivision and vegetation clearance along roadways), storm drainage systems, etc.

**MAJOR SUBDIVISION** - A subdivision of six or more lots. The term also includes minor subdivisions of five or fewer lots that result in a total of more than five parcels created by any combination of exemptions or subdivision from a tract of record since July 1, 1973.

**MANUFACTURED HOME** - A building meeting the definition established by the U.S. Department of Housing and Urban Development (HUD) as a manufactured home (formerly known as a mobile home) built to Manufactured Home Construction and Safety Standards (defined by HUD) and displays a red certification label on the exterior of each transportable section. Manufactured homes are built in the controlled environment of a manufacturing plant and are transported in one or more sections on a permanent chassis. Homes built prior to 1976 and Park Model Homes cannot qualify as a manufactured home even with modifications.

**MCA** – Montana Code Annotated.

**MINOR SUBDIVISION** - Minor subdivisions consist of five or fewer lots that do not result in a total of more than five parcels created by any combination of exemptions or subdivision from a tract of record since July 1, 1973. This definition includes first minor subdivisions as defined in [Title 76, Chapter 3 MCA](#).

**MITIGATION** - The action(s) which minimizes the adverse impacts which would be created by a subdivision or development.

**MOBILE HOME** - A factory assembled structure equipped with necessary service connections, made so as to be readily movable as a unit on its own running gear, and designed to be used as a dwelling unit without a permanent foundation. Mobile homes are designed to be moved from one place to another by an independent power connected to them. The term includes “manufactured homes,” “trailers,” or “house trailers.”

**MOBILE HOME PAD** - That area of a mobile home space upon which a mobile home is physically situated.

**MOBILE HOME COURT** - See Mobile Home Park.

**MOBILE HOME PARK** - A parcel of land with two or more spaces available for rent or lease and designated for occupancy by mobile homes for use as residences.

**MOBILE HOME SPACE** - A portion of a parcel of land designed for the accommodation of one manufactured or mobile home and its accessory buildings or structures for the exclusive use of the occupants.

**MONTANA SUBDIVISION AND PLATTING ACT (MSPA)** - The state law requiring counties and municipalities to adopt subdivision regulations known as [Title 76, Chapter 3 MCA](#).

**MORTGAGE SECURITY** – An asset-backed financial instrument that is secured by a mortgage or collection of mortgages.

**MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS (MPWSS)** – the Montana Public Works Standard Specifications as distributed by the Montana Contractors' Association.

**MULTIPLE USER SEWAGE SYSTEM** - A non-public wastewater system that serves or is intended to serve three through 14 living units or three through 14 commercial structures. The total number of people served may not exceed 24. In estimating the population served, the reviewing authority shall multiply the number of living units by the county average of persons per living unit based on the most recent census data ([17.36.101 ARM](#)).

**MULTIPLE USER WATER SUPPLY SYSTEM** - A non-public water supply system designed to provide water for human consumption to serve three through 14 living units or three through 14 commercial structures. The total number of people served may not exceed 24. In estimating the population served, the reviewing authority shall multiply the number of living units times the county average of persons per living unit based on the most recent census data ([17.36.101 ARM](#)).

**MUNICIPAL URBAN FRINGE** – See Growth Area.

**NATIVE GRASSLANDS** - Vegetation communities where native grass is predominant. They include native prairie grasslands in eastern Montana and intermountain/foothill grasslands in western Montana.

**NATIVE SHRUB HABITATS** - Vegetation communities where sagebrush or other shrub species are predominant in association with grasslands. Sagebrush grasslands are scattered throughout western, central, and eastern Montana and are co-dominated by shrubs (ranging from 5 to 35 percent or greater shrub cover, primarily sagebrush) and perennial grasses. Other shrub-grassland types include bitterbrush, buffaloberry, chokecherry, potentilla, juniper, hawthorn, and other woody species with high wildlife values occurring in localized settings across Montana.

**NATURAL DRAINAGE** - Storm water or other surface runoff channels, depressions, etc. in the existing surface topography of the Earth prior to changes made by unnatural causes.

**NATURAL ENVIRONMENT** - The physical conditions which exist within a given area including land, air, water, mineral, flora, fauna, sound, light, and objects of historic and aesthetic significance.

**NEPA** – The National Fire Protection Association.

**NO-BUILD ZONE** – A designated area where the construction or placement of permanent structures designed for human assembly or habitation is not permitted.

**NON-PRESSURIZED WATER SUPPLY SYSTEM** - For purposes of fire suppression water supply, a non-pressurized water supply system is a system that requires drafting the water from its source with suction provided by a pumper truck (or similar).

**NOXIOUS WEED** – According to the Montana County Noxious Weed Act, any exotic plant species established or that may be introduced into the state that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated as a statewide noxious weed by rule of the department; or as a district noxious weed by a board, following public notice of intent and public hearing.

**OFF-SITE WATER SUPPLY** - Water supply (for consumption or fire suppression) for a subdivision that is not located within the subdivision.

**OFF-STREET PARKING** - Areas designated for parking that are not located within the road or street or on the road shoulders. Off-street parking typically consists of parking lots, driveways and garages.

**OFF-STREET SOLID WASTE COLLECTION AREA** - An area designated for large bins for solid waste from a subdivision. Lot owners bring their individual trash to the collection areas where it is routinely hauled to a licensed solid waste facility. In subdivisions, these areas must be established as easements or land held in common by a property owners' association.

**ON-SITE WATER SUPPLY** - Water supply (for consumption or fire suppression) for a subdivision that is located within the subdivision's perimeter boundary.

**ON-STREET PARKING** - An extension of the surface of a street or road designated for parking.

**OPEN-SPACE** - Land or water areas retained for use as active or passive recreation areas, resource protection and use, and for agricultural, horticultural, and silvicultural use.

**PARCEL** - A term used to describe a tract of record that was not created as a lot in a subdivision.

**PARK MODEL HOME** - Recreation vehicles primarily designed and intended to provide temporary living quarters for recreation, camping, or seasonal use. They are built on a single chassis, mounted on wheels with a gross trailer area not exceeding 400 square feet when set up. Units may be expandable when they reach their destination utilizing slide-outs or tip-outs.

**PARK TRAILERS** - See Park Model Home.

**PAVED** - For roads and streets, paved means the surface of the road has been treated with a hard, durable surface such as concrete or asphalt.

**PAVEMENT MARKINGS** - Markings on roads, paths, bikeways, etc. that separate lanes of travel, provide directional information, etc. Markings may be painted on the surface or be objects (such as reflectors) embedded into the road or path surface.

**PAYBACK AGREEMENT** - When a subdivider agrees to install improvements with a greater capacity than required by a subdivision, a payback agreement may be developed and administered by the governing body to help the subdivider recover upfront costs. Under a payback agreement (also referred to as a 'latecomers agreement'), the subdivider who pays some or all of the up-front costs in excess of what is required for the subdivision would be entitled to recover costs from the owners of properties beyond the subdivision who will benefit from the works in the future (i.e. 'latecomers'). Where a subdivider has paid up-front costs, the local government would collect the payback from latecomers via an assessment, tax, or fee and remit to the subdivider a share of those monies, as determined by the terms of the payback agreement.

**PERMANENT TURNAROUND** - A road permanently closed at one end with an area for vehicular turnaround.

**PHASED DEVELOPMENT** - A subdivision application and preliminary plat that at the time of submission consists of independently platted development phases that are scheduled for review on a schedule proposed by the subdivider.

**PHYSICAL ACCESS** - The ability to safely reach a lot in a subdivision with a passenger vehicle year-round. Physical access is provided by existing roads and bridges suitable for safe passenger vehicle travel based on average daily traffic from existing and projected demand from the subdivision. Physical access on new roads built for the subdivision means that the new roads meet the design standards of the subdivision regulations.

**PLANNED UNIT DEVELOPMENT** - A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership and use ([76-3-103, MCA](#)).

**PLANNING BOARD** - The city planning board, a county planning board, or a joint city-county planning board formed under [Title 76, Chapter 1, MCA](#) for the jurisdictional area addressed by these subdivision regulations.

**PLAT** - A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications ([76-3-103, MCA](#)).

**PLATTED SUBDIVISION** - A subdivision platted according to the requirements of the Montana Subdivision and Platting Act (MSPA), or applicable laws in place prior to the creation of the MSPA, and locally adopted subdivision regulations at the time it was created.

**PRELIMINARY PLAT APPLICATION** - The subdivider's submittal for preliminary review that includes the preliminary plat, an application form, and supporting documentation meeting the requirements of these regulations.

**PRESSURIZED HYDRANT** - An arrangement of pipe permanently connected to a year-round water source with a pressurized water supply system that provides a ready means of water supply for firefighting purposes.

**PRESSURIZED WATER SUPPLY SYSTEM** - A pressurized water system is usually thought of as a municipal water system whereby fire hydrants are installed on water mains using a grid system. In other words, water would arrive at the hydrant from two or more directions. Water in this type of system can be supplied using elevated tanks, pumps, gravity flow or a combination of these systems. A pressurized system can also be established by installing a dry hydrant utilizing an above grade water source, such as a pond.

**PRIMARY ACCESS** - A main point of entry into a subdivision via a road.

**PROFESSIONALLY TRAINED BIOLOGIST** - An individual with a minimum of a bachelor's degree in a fisheries or wildlife-related field and professional experience in applying current biological knowledge to on-the-ground stewardship and management of a resource and its environment, or an individual meeting the requirements of a Certified Wildlife Biologist (as established by The Wildlife Society) or a Certified Fisheries Professional (as established by the American Fisheries Society).

**PUBLIC HEALTH AND SAFETY** - The prevailing healthful, sanitary condition of well-being for the community at large. Conditions that relate to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards, rock falls or landslides, unstable soils, steep slopes, and other natural hazards; high voltage lines or high-pressure gas lines; and air or vehicular traffic safety hazards.

**PUBLIC SERVICES** - See Local Services.

**PUBLIC SEWAGE SYSTEM** - A system of collection, transportation, treatment, or disposal of sewage that serves 15 or more families or 25 or more persons daily for any 60 or more days in a calendar year ([75-6-102, MCA](#)).



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**PUBLIC UTILITY** - Corporations, both public and private, companies, individuals, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, that now or hereafter may own, operate, or control any plant or equipment, any part of a plant or equipment, or any water right within the state for the production, delivery, or furnishing for or to other persons, firms, associations, or corporations, private or municipal: heat; street-railway service; light; power in any form or by any agency; except as provided in chapter 7, water for business, manufacturing, household use, or sewerage service, whether within the limits of municipalities, towns, and villages or elsewhere; and regulated telecommunications service ([69-3-101, MCA](#)). The term also includes county or consolidated city and county water or sewer districts as provided for in Title 7, Chapter 13, Parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, Chapter 13, Parts 42, 43, and 44 ([76-3-103, MCA](#)).

**PUBLIC WATER SUPPLY** - A system for the provision of water for human consumption from a community well, water hauler for cisterns, water bottling plant, water dispenser, or other water supply that has at least 15 service connections or that regularly serves at least 25 persons daily for any 60 or more days in a calendar year ([75-6-102, MCA](#)).

**PURCHASE AGREEMENTS** - The agreement or contract for the purchase of a property, signed by the buyer and seller, containing the agreed-upon price and any other conditions. This may also be known as an agreement of sale, a purchase contract, or a sale contract.

**QUIT CLAIM DEED** - A deed releasing a person's interest in a property without stating the nature of the person's interest or rights, and with no warranties of ownership. While a quitclaim deed neither warrants nor professes that the grantor's claim is valid, it does prevent the grantor from later claiming they have an interest in the property.

**REALTY TRANSFER CERTIFICATE** - A form required by the Montana Department of Revenue when real estate is transferred to another owner.

**REAR MINIMUM SETBACK** - The minimum distance by which a building or structure must be separated from the rear of the lot, or RV or mobile home space.

**RECREATIONAL CAMPING VEHICLE** - A vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and that either has its own power or is mounted on, or towed by, another vehicle. The basic types of RVs are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper (pursuant to the ARMs for DPHHS review of Trailer Courts and Tourist Campgrounds).

**RECREATIONAL VEHICLE (RV)** - See Recreational Camping Vehicle.

**REGISTERED ARCHITECT** - A person licensed as an architect pursuant to [Title 37, Chapter 65, MCA](#).

**REGISTERED PROFESSIONAL ENGINEER** - Refer to "Engineer".

**REGISTERED PROFESSIONAL LAND SURVEYOR** - Refer to "Land Surveyor".

**REMAINING PORTION/PARCEL** - The portion or parcel of land that remains from a tract of record when a division occurs. Remaining portions of less than 160 acres resulting from a subdivision must be created as lots within the subdivision.

**RESIDENTIAL SPRINKLER SYSTEM** - An automatic sprinkler system designed for residential use.

**RESIDENTIAL SUBDIVISION** - A subdivision with lots proposed for residential use.

**RETRACEMENT** - A survey submitted for an existing tract of record which may not have previously been surveyed, or for which corrections are being submitted.

**RIGHT-OF-WAY** - Property that is publicly owned or upon which a governmental entity has an express or implied property interest held for a public purpose. Examples of such public purpose include a street, sidewalks, drainage facilities, crosswalk, water main, sanitary or storm sewer, etc. The term for subdivision platting purposes means that every right-of-way established and shown on a final plat is separate and distinct from the lots or parcels adjoining the right-of-way, and is not included within the dimensions or areas of such lots or parcels.

**RIPARIAN AREA** – An area of transition between a waterbody (e.g., stream or wetland) and upland area. Riparian areas have one or both of the following characteristics: (1) distinctly different vegetative species than adjacent areas; and (2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms.

**RISER/HYDRANT RISER** - The riser on a fire suppression hydrant that brings the connection for the hose above ground.

**ROAD PULL-OUT** - An area along the edge of a street or road that provides a space for a vehicle to safely move out of a traffic lane in order to permit the passage of emergency or other types of vehicles.

**ROAD SHOULDER** - A reserved area along the edge of the road. Generally, it is kept clear of motor vehicle traffic and functions as a safety feature for drivers to drift into when being overtaken by passing vehicles, particularly on two-lane roads.

**ROAD STUB** - A temporary portion of a road with a turn-around designed to convert to an extension of the road onto an adjacent subdivision or phase.

**ROAD** – An open way for vehicles, people and animals, defined in several types of functional classifications based primarily on traffic counts and type of traffic. For the purposes of these subdivision regulations the terms street and road are used interchangeably.

**ROADSIDE DRAINAGE (STORMWATER)** - A system to collect and convey stormwater away from roads, consisting of swales or curb and gutter, underground storm drainage pipes, above-ground retention or detention facilities, or a combination of the above.

**RURAL IMPROVEMENT DISTRICT** - A district formed under [Title 7, Chapter 12, Part 21](#) that may assess property for improvements within the district. A board of county commissioners may order and create special improvement districts outside the limits of incorporated towns and cities for the purpose of building, constructing, or acquiring by purchase one or more of the improvements of the kind described in [7-12-4102, MCA](#), in or for the benefit of the special improvement district.

**RV PARK** - A parcel of land with two or more spaces available for rent or lease which are designated for temporary occupancy by recreational camping vehicles for camping and sleeping purposes.

**RV SPACE** - A designated portion of a parcel of land designed for the temporary accommodation of one recreational camping vehicle and the exclusive use of its occupants.

**SANITATION APPROVAL** - Approval by the MT DEQ and/or local board of health for the aspects of subdivision for water, sewer, solid waste and storm drainage.

## Chapter 9 - Definitions

**SCOUR** - Removal of sediment such as sand and rocks from around bridge abutments or culverts. Scour, caused by swiftly moving water, can scoop out scour holes and compromise the integrity of a structure.

**SECOND CLASS CITY** - An incorporated municipality with a population of less than 10,000 and more than 5,000 ([7-1-4111, MCA](#)).

**SEPARATION FABRICS** - Woven geotextiles placed between dissimilar materials, such as road aggregate and subgrade to stabilize the soil, preserve the aggregate and reinforce the surrounding soil. They will also keep mud below the rock from “pumping” up and help keep cleanup to a minimum.

**SEPTIC SYSTEM** - A septic system consists of two main parts: a septic tank and a drainfield. The septic tank is a watertight box, usually made of concrete or fiberglass, with an inlet and outlet pipe. Wastewater flows from an inhabited structure to the septic tank through a sewer pipe. The septic tank treats the wastewater naturally by holding it in the tank long enough for solids and liquids to separate. The wastewater forms three layers inside the tank. Solids lighter than water (such as greases and oils) float to the top forming a layer of scum. Solids heavier than water settle at the bottom of the tank forming a layer of sludge. This leaves a middle layer of partially clarified wastewater. The layers of sludge and scum remain in the septic tank where bacteria found naturally in the wastewater work to break the solids down. The sludge and scum that cannot be broken down are retained in the tank until the tank is pumped. The layer of clarified liquid flows from the septic tank to the drainfield or to a distribution device, which helps to uniformly distribute the wastewater in the drainfield. A standard drainfield (also known as a leachfield, disposal field, or a soil absorption system) is a series of trenches or a bed lined with gravel or coarse sand and buried one to three feet below the ground surface. Perforated pipes or drain tiles run through the trenches to distribute the wastewater. The drainfield treats the wastewater by allowing it to slowly trickle from the pipes out into the gravel and down through the soil. The gravel and soil act as biological filters (as defined by the National Environmental Services Center).

**SERVIENT ESTATE** - [Real property](#) which has an easement or other use imposed upon it in favor of another property (called the “dominant estate”), such as an easement for access to an adjoining property or utility lines. The property giving usage is the servient estate, and the property holding usage of the easement is the dominant estate.

**SETBACK** - The minimum distance by which any building, structure or facility must be separated from a property boundary, road easement, water body, or other identified legal, physical or biological condition.

**SHARED WATER SYSTEM** - A water system that serves or is intended to serve two living units or commercial structures. The total number of people served may not exceed 24. In estimating the population served, the reviewing authority shall multiply the number of living units times the county average of persons per living unit based on the most recent census data ([17.36.101 ARM](#)).

**SIDE MINIMUM SETBACK** - The minimum distance by which a building or structure must be separated from the side of the lot, or RV or mobile home space.

**SIDECASTING** - Moving excavated material to the downslope side during road and landing construction.

**SITE LAYOUT** – See Site Plan for RV Parks, Mobile Home Parks, and Condominiums. See Plat for all other subdivisions.

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**SITE PLAN** - A schematic diagram, drawn to scale, of the lot, tract or parcel of land showing the specific location of all existing and proposed features, such as buildings, structures, driveways, parking, RV or mobile home pads and spaces, landscaped areas, easements, utilities, surface water, drainage, etc.

**SLOPE RATIO** - Relation of the horizontal projection of a surface to its rise. For example, a two-foot horizontal run to a one-foot vertical rise is shown as 2:1 or 2 to 1.

**SOIL CARRYOUT** - Soil or mud that is carried out from the construction site by wind, drainage, truck traffic or other means onto other surfaces, such as paved road surfaces. Carryout has the potential to create unsafe conditions.

**SOIL HORIZON** - A soil horizon is a layer generally parallel to the soil surface, where physical characteristics differ from the layers above and beneath. Horizons are defined in most cases by obvious physical features, chiefly color and texture.

**SOIL TYPE** - Types of soil as identified by the Natural Resources and Conservation Service and their Web Soil Survey tool.

**SOLID WASTE** - As defined in the Sanitation in Subdivisions Act, putrescible and non-putrescible wastes, including but not limited to: garbage, rubbish, and refuse; ashes; sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; dead animals, including offal; discarded home and industrial appliances; and wood products or wood byproducts and inert materials ([75-10-103, MCA](#)).

**SPECIAL IMPROVEMENT DISTRICT (SID)** - A district formed under [Title 7, Chapter 12, Part 41](#) that may assess property for improvements within the district. A city or town council may form a special improvements district for any number of improvements identified in the law, including streets, water supply, sewer, recreation, etc.

**SPECIES OF CONCERN** - Native wildlife species that are considered to be “at risk” due to declining population trends, threats to their habitats, and/or restricted distribution. A list of such species, called the Montana Animal Species of Concern, is produced jointly by the Montana Natural Heritage Program and Montana Fish, Wildlife & Parks. This list includes Threatened and Endangered Species.

**STATE FIRE CODE** – A set of rules prescribing minimum requirements to prevent fire and explosion hazards arising from storage, handling, or use of dangerous materials, or from other hazardous conditions. The State of Montana has responsibility for enforcing state fire codes for public buildings throughout the state ([Title 50, Chapter 3 of MCA](#)).

**STORAGE AREAS** - Areas designated for storage, whether interior to a building/enclosed space or out in the open air.

**STREET** – See Road.

**SUB-BASE** - One of the layers in road construction. Roads are built up in several layers consisting of sub-grade, sub-base, base and surface layer. The surface layer seals and prevents surface water from penetrating and weakening the base and sub-grade. The most common surface for rural roads is constructed from natural gravels. Bituminous and concrete surfaces provide more impermeable seals and are more resistant to the abrasive forces caused by the combined effects of weather and traffic. The road base (also referred to as the base course) is the main layer in terms of providing additional strength and load bearing capacity to the road. This layer often consists of crushed and graded materials or selected

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soils from natural sources which conform to certain characteristics known to improve the quality of the road. The sub-base is an additional strengthening layer with a similar purpose as the road base. As the road base takes care of the initial load dissipation, the sub-base will have less stringent quality requirements as compared to the road base. The sub-base may also act as a separating layer between the road base materials and the sub-grade. The natural soil on which the road is constructed is referred to as the sub-grade. The sub-grade consists of compacted or undisturbed soils or it may be a road fill with soils imported from elsewhere along the road line (source: [Chapter 9, "Building Rural Roads"](#) by the International Labor Organization).

**SUB-GRADE** - One of the layers in road construction. See Sub-Base.

**SUBDIVIDER** - A person who causes land to be subdivided or who proposes a subdivision of land ([76-3-103, MCA](#)).

**SUBDIVISION** - A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any re-subdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed ([76-3-103, MCA](#)).

**SUBDIVISION ADMINISTRATOR** – See Administrator

**SUBDIVISION IMPROVEMENTS AGREEMENT (SIA)** - A contractual agreement that may be required by the governing body to ensure the construction of improvements after final plat approval. The improvement agreement requires collateral to secure the construction of such improvements.

**SUBDIVISION PLAT** – See Plat.

**SUBDIVISION REVIEW** - The review of subdivisions for compliance with the subdivision regulations and the Montana Subdivision and Platting Act.

**SUBSEQUENT MINOR SUBDIVISION** - A division of land which is the second or subsequent minor subdivision of a tract of record as it existed on July 1, 1973. A minor subdivision creates no more than five lots. Per these regulations, subsequent minor subdivisions that do not result in a total of more than five parcels created by any combination of exemptions or subdivision from a tract of record since July 1, 1973 are reviewed as "Minor Subdivisions." All other subsequent minor subdivisions are reviewed as "Major Subdivisions."

**SUBSTANDARD ROAD** - A road that does not meet the design standards of these subdivision regulations.

**SUMMARY OF PROBABLE IMPACTS** - One of the three elements of an Environmental Assessment, the Summary of Probable Impacts is also a required component of an application for a minor subdivision. It includes information for assessing the impacts of the subdivision on agriculture, agricultural water user facilities, local services, natural environment, wildlife, wildlife habitat, and public health and safety.

**SUPPLEMENTAL MATERIALS** - As noted in Ch. I-K, Jurisdictions will adopt regulations to suit their local needs. Many Montana governmental units post Subdivision Regulations, forms and Supplemental Administrative Materials to their websites. For additional examples of Supplemental Administrative Materials, please contact the Community Technical Assistance Program at [DOCCTAP@mt.gov](mailto:DOCCTAP@mt.gov).

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**SURFACE DISTURBANCE** - Any actions taken to alter the existing vegetation or soil of a site, such as clearing, grading, filling, and excavating.

**SURVEY** – See Certificate of Survey.

**SURVEYOR** – See Land Surveyor.

**TACK COAT** - Tack coat (also known as bond coat) is a light application of asphalt emulsion between hot mix asphalt layers designed to create a strong adhesive bond without slippage. Heavier applications may be used under porous layers or around patches where it also functions as a seal coat (as defined by the Asphalt Emulsion Manufacturers Association).

**TEMPORARY TURNAROUND** - See Road Stub.

**THIRD-CLASS CITY**- An incorporated municipality with a population of less than 5,000 and more than 1,000 ([7-1-4111, MCA](#)).

**TITLE COMMITMENT** - A commitment on the part of the insurer, once a title search has been conducted, to provide the proposed insured with a title insurance policy upon closing.

**TITLE REPORT** - A contractual arrangement entered into to indemnify loss or damage resulting from defects or problems relating to the ownership of real property, or from the enforcement of liens that exist against it.

**TOWN** - An incorporated municipality with a population of less than 1,000 and more than 300 is a town ([7-1-4111, MCA](#)).

**TOWNHOME** - As defined in [70-23-102, MCA](#), property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

**TOWNHOUSE** - See Townhome.

**TRACT OF RECORD** - An individual parcel of that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the clerk and recorder's office ([76-3-103\(16\)\(a\), MCA](#)).

**TRAFFIC IMPACT STUDY/ASSESSMENT (TIS/TIA)** - A study that assesses the effects that a particular subdivision's traffic will have on the transportation network in the subdivision and roads leading to the subdivision. Such studies analyze existing conditions and provide projections of traffic increases from the subdivision, measured as annual average daily traffic. The TIS/TIA should identify any potential operational problems or concerns and recommend appropriate actions to address such problems or concerns.

**TRANSFER DOCUMENTS** – See Instruments of Transfer.

**TRIBAL LANDS** - Lands under the authority of tribal governments.

**U.S. GOVERNMENT LOT** - Irregular fractional sections in the rectangular Public Land Survey System that cannot be described as aliquot parts.



**U.S. GOVERNMENT SECTION** - A parcel within the federal Public Land Survey System that equates to approximately one square mile. The Public Land Survey System typically divides land into six-mile-square townships. Townships are subdivided into 36 one-mile-square sections. Sections can be further subdivided into quarter sections, quarter-quarter sections, or irregular government lots.

**UNDIVIDED INTEREST** - Title to real property held by two or more persons without specifying the interests of each party by percentage or description of a portion of the real estate. Such interests are typical between joint tenants, tenants in common, tenants by the entirety.

**UNIT (CONDOMINIUM)** - A part of a condominium property including one or more rooms occupying one or more floors or a part or parts of the property intended for any type of independent use and with a direct exit to a public street or highway or to a common area or area leading to a public street or highway ([70-23-102, MCA](#)).

**UNIT OWNERSHIP ACT** - The portion of Montana law providing for the establishment of condominiums know as [Title 70, Chapter 23, MCA](#).

**UNITED STATES WATERS** - All surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all other waters including intermittent streams, mudflats, sandflats, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce.

**USEABLE PARKLAND** - Parkland that is accessible by passenger vehicle and which has land that is available for recreation at all times of the year. Parkland that is often entirely inundated by a storm water retention or detention facility, for example, would not be considered useable parkland.

**UTILITY** – See Public Utility.

**VARIANCE** - Permission to depart from these regulations when it is determined that unique conditions on the property meet certain criteria.

**VEGETATED BUFFER** - Vegetated areas around waterbodies, or as required to mitigate impacts between conflicting uses. The term may also include a natural, undisturbed strip or “greenbelt” along the shorelines of a river, stream, or other waterbody, or as required to mitigate impacts between conflicting uses. The term does not include lawns and non-native landscaping. Riparian areas are a subset of “vegetated buffers” and include the green zones of native vegetation next to rivers, streams, and drainages. The word “riparian” is derived from Latin ripa, meaning riverbank (see also Riparian Area).

**WARRANTY DEED** - A deed that guarantees a clear title to the buyer of real property.

**WATER CONVEYANCE FACILITY** - Pipes, ditches, canals, flumes, or other mechanisms by which water is transported from one area to another. The term generally applies to water for surface use, including agriculture. The term does not include water supply systems intended for human consumption.

**WATER RIGHT** - The right to make use of the water from a stream, lake, irrigation canal or other source.

**WATER TABLE** - The level below which the ground is saturated with water.

**WATERBODIES** - Bodies of water including lakes, ponds, reservoirs, perennial or intermittent streams, creeks, rivers or reservoirs. Wetlands are treated separately under these regulations.



## Chapter 9 - Definitions

**WATERCOURSE** - Any depression two feet or more below the surrounding land serving to give direction to a current of water at least nine months of the year and having a bed and well-defined banks. Upon order of the DNRC, the term also includes any particular depression that would not otherwise be within the definition of watercourse ([76-5-103, MCA](#)).

**WELL ISOLATION ZONE** – The area within a 100-foot radius of a water well.

**WETLAND** - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**WILDLAND-URBAN INTERFACE** – The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

**WILDLIFE** - Species of non-domesticated fish and wildlife, or other wild, non-domesticated animals (including mammals, birds, amphibians, reptiles and invertebrates) that inhabit the area affected by the subdivision.

**WILDLIFE HABITAT** - Land or water that meets the food, shelter or reproductive needs for species of wildlife; areas of known or suitable habitat for the physical features (e.g., topography, geology, stream flow) and biological characteristics (e.g., vegetation cover and other species) needed to meet the food, shelter, and reproductive needs of wildlife.

**WILDLIFE LINKAGE** - Wildlife habitat that allows wildlife movement within a winter range patch, between isolated patches of winter range, or other seasonal habitat and winter range. Linkages are sufficiently wide to allow the natural movement of wildlife without being impeded by disturbances associated with development.

**WILDLAND-URBAN INTERFACE (WUI)** - The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. The general areas are typically mapped in the jurisdiction's Community Wildfire Protection Plan, but these maps typically need refining at the scale of subdivisions.

**ZONING REGULATIONS** - Also referred to as a Zoning Ordinance, the regulations divide a community into districts or zones and regulate land use activity in each district, specifying the permitted uses of land and buildings, the intensity or density of such uses, and bulk (size) of buildings.